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Security Council

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Letter dated 21 August 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 27 December (S/2001/1304).

The Counter-Terrorism Committee has received the attached supplementary report from Turkey, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to resolution1373 (2001) concerning counter-terrorism

02-54587 (E) 170902

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Annex

Note verbale dated 16 August 2002 from the Permanent Mission of Turkey to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of Turkey to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism, and with reference to the latter's note S/AC.40/2002/MS/OC.64, dated 18 April 2002, has the honour to submit herewith the supplementary report on the measures taken by the Republic of Turkey against terrorism with regard to Security Council resolution 1373 (2001) (see enclosure).

Enclosure

Measures taken by the Republic of Turkey against terrorism (in response to the request for additional information made by the Counter-Terrorism Committee)

Sub-paragraph 1(a)

1.Could Turkey please outline any legislative changes or new practical measures introduced since the adoption of the Resolution.

The Council of Ministers, by taking into consideration the lists of terrorist organizations, persons and entities issued by the Sanctions Committee in accordance with the relevant UN Security Council resolutions, promulgated a decree (2001/2483) on December 22, 2001 to freeze all the funds, financial assets, economic resources, rights and claims, including the content of safe deposit boxes of these terrorist organizations, persons and entities. The Council of Ministers also subjected all the transactions related to these assets to the permission of the Ministry of Finance. The list attached to the decree of the Council of Ministers has been updated by the following decrees: No. 2002/3873, dated March 21, 2002 and No. 2002/4206, dated May 16, 2002.

2. What are the particular crimes referred to in Article 169 of the Penal Code and elsewhere that are identified by Article 4 of the Law on Fight Against Terrorism (LFAT) as terrorist crimes? Please confirm that the consequence of their being so identified is that special penalties provided for by Article 5 of LFAT apply to them.

Article 169 of the Turkish Penal Code (TPC) is one of the common provisions applicable to the crimes stated in the articles 125-173 of this code. Assistance in any form to a criminal organization is prescribed as a crime subject to punishment under this article. It is provided in this Article that, whoever, wittingly gives shelter, assistance, equipment, arms or ammunition to such a society or a band or facilitates its actions shall be punished by heavy imprisonment for three to five years.

According to LFAT Article 5, sentences pronounced for those who commit the crimes mentioned in Article 169 of the TPC are aggravated by one half for both the freedom-restricting and monetary sanctions, when those crimes are committed for terrorist purposes.

3. Could Turkey please outline the legislation and procedures which exist for monitoring suspicious financial transactions. What are the vigilance (transaction-reporting) obligations of financial intermediaries, including those outside the financial sector (e.g.) lawyers that contribute, in particular to the prevention of economic and financial transactions with terrorist or other criminal aims (as distinct from identifying the proceeds of illicit activity)? What are the penalties which may be incurred and have any already been imposed?

The procedures concerning suspicious transactions are stipulated in the Regulation on the Implementation of the Law on the Prevention of Money-Laundering No: 4208 and the

Communique on Suspicious Transactions that is issued by the Financial Crimes Investigation Board (MASAK) of the Ministry of Finance. According to these two, all liable parties including banks and other financial institutions, except lawyers and accountants, have to report suspicious transactions carried out or attempted to be carried out on behalf of the parties or through their intermediaries to the Financial Crimes Investigation Board.

Article 12 of the Regulation on the Implementation of the Law No. 4208 reads: *"If there is a suspicion or a suspicious situation that money or convertible assets which were used in transactions carried out or attempted to be carried out on behalf of the liable parties or through their intermediaries had stemmed from illegal activities, this shall immediately be reported to the Financial Crimes Investigation Board, after having identified the customer.*

Those reporting the suspicious transaction or the employees carrying out and managing the transaction as well as their legal representatives cannot warn their customers.

The Financial Crimes Investigation Board is authorized to set forth the forms of suspicious transactions as a guidance to the liable parties.

Notaries, Directorate General for National Lottary, deed offices, the Jockey Club will also be regarded as liable parties."

According to Article 12 of the Law No. 4208 and Article 17 of the Regulation on the Implementation of the Law No. 4208, those who do not comply with their reporting obligations shall be sentenced to imprisonment from six months to one year and to heavy fine. No penalty has been imposed so far for violating the obligation rules.

4. What is the scope of the concept of "dirty money" in the Law on the Prevention of Money Laundering? Does it apply to the proceeds of all kinds of offences or only specific offences? If the latter, which are the offences?

According to the definition of Article 2 of the Law No. 4208, dirty money means money and legal instrument, property and proceeds derived from any activity stated in;

- The Law No. 1918 on the Prevention and Follow-up of Smuggling
- The Law No. 6136 on Firearms and Knives
- The Law No. 2238 on the Removal, Preservation and Transplantation of Organs and Tissues
- The Law No. 2863 on the Protection of Cultural and National Values
- Sub-paragraph (b) of Article 359 of the Law No. 213 on Taxation Procedures
- Turkish Penal Code (TPC) Articles 125-173 – Felonies Against the State
- TPC – Article 179 – Felonies Against Personal Liberty
- TPC – Article 192 – Blackmail and Extortion
- TPC – Article 264 – Illegal Production of Arms and Explosives
- TPC – Article 316 – Counterfeiting of Currency, Public Bonds and Valuable Seals
- TPC - Article 317 – Undermining the Value of Money
- TPC – Article 318 – Importation, Purchase, Acceptance or Possession of Forged Currency
- TPC – Article 319 – Causing the Depreciation of Turkish or Foreign Currency or Endangering the Credibility of Turkey or another country by Counterfeiting
- TPC – Article 322 – Counterfeiting or Damaging Valuable seals

- TPC – Article 325 – Counterfeiting Public Transportation Tickets
- TPC – Article 332 – Forging, Altering or Importing Valuable Seals
- TPC – Article 333 – Misuse or Counterfeiting of Official Seals and Other Instruments Used in Validation
- TPC - Article 335 – Sale, Purchase or Acquisition of Forged Articles
- TPC – Article 339 – Forgery on Official Documents by Public Officials
- TPC – Article 341 – Forgery on Copies of Official Documents by Public Officials
- TPC – Article 342 - Forgery by Other People on Official Documents
- TPC – Article 345 - Forgery on Private Documents
- TPC – Article 350 – Forgery on Identification Cards, Identity Papers, Passports and Permits
- TPC – Article 403 – Manufacturing, Importing, Exporting, Sale, Purchase, Acquisition and Transportation of Drugs; Organizing a Group or Using Children or Persons Who Do Not Carry Criminal Liability for These Purposes
- TPC- Article 404 – Consuming Drugs or Facilitating the Consumption of Drugs
- TPC – Article 406 – Commission of These Offences by Doctors, Veterinarians, Pharmacists, Dentists, Midwives or Nurses
- TPC – Article 435 – Instigating Minors Under the Age of 15 to Prostitution
- TPC – Article 436 – Forcing to Prostitution
- TPC – Article 495 – Pillage
- TPC – Article 496 - Compelling a Person to Deliver, Sign or Destroy a Valid Document by the Use of Force, Violence or Threat
- TPC – Article 497 – Commission of the Offence Mentioned in Article 496 by Using Arms
- TPC – Article 498 – Forcing a Person to Give or Send Money or Other Valuables by Threatening or by Presenting a Forged Government Order
- TPC – Article 499 – Kidnapping
- TPC – Article 500 – Conveying Correspondence with regard to the Offense in Article 499
- TPC – Article 504 – Fraud
- TPC – Article 506 – Fraudulent Bankruptcy

5. What particular offences are mentioned in Article 1 of the Law on the Prevention of Benefit-Oriented Criminal Organizations, No. 4422?

The relevant provisions of Article 1 of the Law No. 4422 on the Prevention of Benefit-Oriented Criminal Organizations are as follows:

"Those who set up or manage or act on behalf of or wittingly serve such organizations in order to directly or indirectly take control of the management and administration of an institution, establishment or enterprise; in order to take control of or influence public services, media, proceedings of bids, concessions and licences; in order to cause scarcity or to increase or decrease prices; in order to ensure unfair gains; in order to gain votes in elections or to prevent elections by using or threatening to use force; in order to compel persons to be dependent on themselves; in order to commit crimes by implicitly or explicitly intimidating and cowing people in collaboration with the other members of the organization shall be sentenced to heavy imprisonment for three to six years.

As distinct from the crimes listed above, being a member of such an organization constitute a crime subject to heavy imprisonment for two to four years.

If this organization is armed, the sentence shall be increased from one-third to half. If arms and explosives have been prepared or possessed to achieve the organization's aims, the organization shall be deemed to be armed, no matter whether an armed activity has taken place or not.

If the offender is a government official or a civil servant, then the sentence shall be increased from half to double.

This Article shall also apply to the open or clandestine organizations the purposes of which are the same as those of the organizations described above and that use methods of intimidation, frightening or menacing.

Making the propaganda of such organizations through all written, audio or visual media means is also a punishable crime under this article."

Sub-paragraph 1(b)

What measures are there to prevent or punish acts committed by terrorist organizations operating from Turkey, by fund-raising for example, but for a cause not likely to affect Turkish interests?

Turkey from the very outset has maintained the view that there needs to be a solid cooperation among nations to effectively fight terrorism. With this belief and as a responsible member of the international community, all kinds of terrorist activities, regardless of their cause or aim are deemed to be hampering Turkish interests.

The Council of Ministers, by taking into consideration the lists of terrorist organizations, persons and entities issued by the Sanctions Committee in accordance with the UN Security Council Resolutions 1267/1999, 1333/2000 and 1373/2001, decided to freeze all the funds, financial assets, economic resources, rights and claims, including the content of safe deposit boxes, of these terrorist organizations, persons and entities in banks or non-bank institutions and other real or corporate bodies. According to the said decision, also, all the transactions related to these assets have been subjected to the permission of the Ministry of Finance.

Sub-paragraph 1(c)

1. It is noted that Turkey can freeze bank accounts in certain circumstances, but it is not clear from the report whether Turkey has any generally applicable procedures for the freezing and provisional seizure of criminal funds and assets for offences relating to terrorism and its financing. Could Turkey please provide clarification on this point and outline the relevant procedures.

2. If freezing of assets is possible in cases that do not relate to money-laundering (e.g. transfer of legally obtained funds for purposes connected with terrorism), how and by what authorities, are these procedures carried out?

Article 6 of the Law No. 4422 on the Prevention of Benefit-Oriented Criminal Organizations reads:

"Having reserved provisions of the Act No. 4208, dated 13.11.1996, a decision may be taken during investigations to seize all movable or immovable assets of persons who are strongly suspected to have gained these assets through the offences in the scope of this Act and to have committed the offences stated under Article 1 of this Act; in order to partially or wholly remove the rights or claims in banks or non-bank institutions and other real or corporate bodies including the contents of safe deposit boxes; in order to hold these in custody; in order to take additional measures to conduct the claims and rights, negotiable instruments, cash or other values.

Investigations and examinations concerning the case and proceedings to determine or appraise the amount or value of the property stated in the paragraph above shall be carried out by the Financial Crimes Investigation Board of the Ministry of Finance both domestically and abroad upon the request of the Public Prosecutor.

When it is apparent that the property mentioned in the first paragraph is legitimate, then the decision of seizure shall not be taken and if a seizure decision has already been taken, it shall be nullified.

In case that the accused person has been convicted, the property pertaining to this case shall be confiscated."

Article 86 of the Turkish Code of Criminal Procedure provides that, "*Materials likely to be used as evidence in the investigation or that are subject to seizure are preserved separately from other materials or secured in any other way.*

If these materials are in the possession of a person who refuses to relinquish them upon proper demand, they may be forcibly taken."

Article 87 of the Turkish Code of Criminal Procedure states that, "*Those in possession of such materials described in the preceding article shall be required to show or surrender the materials upon appropriate demand."*

In instances where such surrender is refused, the imprisonment provisions of Article 63 are applicable to the person in possession of such materials.

The provisions of this article shall not apply to persons who are granted to refrain from giving testimony."

Article 63 of the Turkish Code of Criminal Procedure reads as follows: "*A witness who refuses to testify or swear without a legal cause shall be sentenced to fine.*

This witness may be imprisoned until the final verdict is given, but not more than six months in order to force him/her to testify or swear.

These measures cannot be reapplied in the same case."

Article 90 of the Turkish Code of Criminal Procedure reads as follows: "*The Judge shall have the power to authorize particular seizures. Nevertheless, in urgent cases, Public*

Prosecutors and Police Officers assigned to discharge the orders of the Public Prosecutors may make seizures.

If a seizure is made without a decision of a judge and the person or an adult relative of that person is not present at the time or place of seizure, or if, being present, such person or adult relative of that person openly objects to the seizure, the official making the seizure is required to obtain the judicial confirmation of the seizure within three days following the seizure.

The possessor of the materials that have been the subject of seizure may apply to a judge at any time for a reviewing of the legality of the seizure."

Sub-paragraph 1 (d)

It is noted that Turkey has legal provisions for the disestablishment of bodies (including charitable, religious or cultural organizations) that provide funds and other assets for terrorist purposes. What preventive controls and surveillance measures to ensure that terrorist funding and assistance does not take place at all?

Article 7, paragraph 4 of the Law on Fight Against Terrorism provides that, *"The activities of associations, foundations, trade unions.... which are found to have lent support to terror movements will be prohibited and they will be dissolved by the decision of the concerned court. The assets of such organizations will be confiscated."*

Inspectors of the Ministry of Finance are authorized to carry out all kinds of investigations in order to ensure that such organizations do not provide funds and other assets to support illegal organizations. After having investigated the financial assets of one individual whose name was included in one of the lists issued by the Afghanistan Sanctions Committee, inspectors of the Ministry of Finance seized his assets that was worth 3 trillion Turkish Liras. This decision of seizure has been in the meantime endorsed by the concerned court.

Sub-paragraph 2 (a)

What measures does Turkey have to prevent terrorists obtaining weapons within and outside its territory, in particular small arms or light weapons? Please outline the Turkish legislation concerning the acquisition and possession and import and export of such weapons?

The relevant provisions of the articles of the Law No. 6136 on the Firearms, Knives and Other Similar Tools apply for the acquisition and possession and import and export of such weapons:

Article 12 – *"Whoever brings or tries to bring firearms and ammunition that fall in the scope of this Law to the country or acts as an intermediary to bring them to the country or produces them in a way contrary to the provisions of the Law No. 3763 on the Control of the Private Establishments that Produce War Weapons and Ammunition in Turkey and Law No. 5591 on the Foundation for Machinery and Chemistry Industry or transports those firearms or deliberately acts as an intermediary for transportation or sells or acts as an intermediary to sell or owns them shall be sentenced to heavy imprisonment for five to eight*

years. Should two or more persons commit these crimes collectively, then they will be sentenced to heavy imprisonment for eight to twelve years. Those who establish, lead or are members of an organization to commit the crimes identified in the first paragraph shall be sentenced to heavy imprisonment for ten to fifteen years."

Also heavy fines are foreseen in the article for the perpatrators and those fines may be aggravated by the judge depending on the quantity and nature of the firearms.

Article 13 - "*Those who purchase or carry or own firearms and their ammunition in a way contrary to the provisions of this Law shall be sentenced to imprisonment for one year to three years*". The penalty foreseen in this article may be aggravated depending on the quantity and nature of the firearms.

Article 14 – "*Whoever brings or tries to bring or acts as an intermediary to bring to the country or produces in the country or transports or acts as an intermediary for transportation knives and other similar weapons identified in Article 4 of this Law shall be sentenced to imprisonment for two to four years. In less serious conditions the sentence shall be decreased by fifty percent. Those who form or lead or are members of an organization to commit these crimes shall be sentenced to imprisonment for five to ten years. Without prejudice to the condition stated in paragraph 2, should two or more persons commit these crimes collectively, they shall be sentenced to imprisonment for four to seven years.*" The penalty foreseen in this article may be aggravated depending on the quantity of the knives and other weapons.

Article 15 – "*Those who sell or act as intermediaries to sell or purchase or carry or own knives and other similar weapons in a way contrary to the provisions of Article 4 of the present Law shall be sentenced to imprisonment for six months to one year.*" The penalty foreseen in this article may be aggravated depending on the quantity of the knives and other weapons.

Sub-paragraph 2 (b)

1. Does Turkey have a body that specializes in counter-terrorism, or is that the responsibility of a number of departments or agencies? In the latter case, how is the coordination between the various entities effected?

Government authorities that deal with counter-terrorism in Turkey are as follows:

1. Directorate General of Security (Turkish National Police). Ministry of Interior
2. Gendarmerie General Command. Ministry of Interior
3. Coast Guard Command. Ministry of Interior
4. National Intelligence Agency. Prime Ministry

The first three organizations report to the Minister of Interior, whereby The National Intelligence Agency reports directly to the Prime Minister.

There are three main departments in the Directorate General of Security that deal with counter-terrorism: Department of Counter-Terrorism and Operations, Department of Intelligence, Department of Special Forces.

With respect to the judiciary, terrorist offences are tried in specialized State Security Courts.

Each and every counter-terrorism body acts in the sphere of its specialization and responsibility as determined by Law and there is an efficient flow of information and coordination between these organizations. The intelligence departments of these organizations meet in periodical meetings held for assessment and coordination purposes.

2. Does each agency define its strategy independently or does it carry out measures that have been established at a higher level? Who determines that policy and, if applicable, the distribution of tasks among agencies?

Turkish counter-terrorism policy and basic principles of this strategy is determined by the Government. It is incumbent upon each and every counter-terrorism organization to operate within the framework of these principles.

The distribution of tasks among counter-terrorism authorities is determined by the founding legislation of these organizations. For example, the main responsibility of the National Intelligence Agency is to submit the intelligence it has obtained to the discretion of relevant law enforcement authorities. While police forces operate in urban settlements, gendarmerie forces can only operate in rural areas.

3. Is there any mechanism to provide early warning to other countries on terrorist acts that could be committed in the countries concerned?

Information relating to transnational terrorist acts and intelligence concerning the threat posed by terrorist organizations, individuals and groups are systematically transmitted to the relevant law enforcement bodies of the concerned countries by the Interpol National Central Bureau (NCB). Countries have direct access to the database of the Interpol General Secretariat, in particular with regard to the forged ID documents that are used or planned to be used in terrorist acts. Therefore, Interpol NCB is one of the most significant information source for the law enforcement bodies of the concerned countries. Interpol NCB also provides information about possible future terrorist attacks in order to enable the concerned countries take preventive measures.

"Additional Protocol to the Agreement Among the Black Sea Economic Cooperation Participating States on Cooperation in Combating Crime, in Particular in its Organized Forms" concerning the establishment of a network of liaison officers has been signed in Kyiv on March 15, 2002. Along with the entry into force of this Additional Protocol, member states of the Black Sea Economic Cooperation will have the opportunity to exchange information on criminal and terrorist acts through their liaison officers.

On the other hand, Turkish security authorities closely cooperate with neighbouring countries on a bilateral basis.

The National Intelligence Agency also provides early warning on the basis of its bilateral and multilateral relations with the agencies of other countries.

Sub-paragraph 2 (d)

Does LFAT apply to terrorist acts committed outside Turkey and to acts not of a specifically terrorist nature carried out in Turkey in aid of terrorist acts committed elsewhere?

Any foreign terrorist may be subject to prosecution or trial according to the provisions of the below mentioned laws.

According to the definition provided by Article 3 of the LFAT, *"the crimes enumerated in the Articles 125, 131, 146, 148, 149, 156, 168, 171 and 172 of the Turkish Penal Code are terrorist crimes."*

Article 4 of the Turkish Penal Code (TPC) reads, *"If a Turkish national or a foreigner commits a felony against the security of the Turkish state or commits any of the offences in Articles 316, 317, 318, 319, 320, 323 and 324 of Chapter One, Part Six and Articles 332 and 333 of Chapter Two, Part Six (all relating to counterfeiting), he or she shall be prosecuted and punished by penalties prescribed in these articles."*

Sub-paragraph 2 (e)

What is the competence of the courts of Turkey to deal with criminal acts of each of the following kinds:

- **an act committed outside Turkey by a person who is a citizen of or habitually resident in Turkey (whether that person is currently present in Turkey or not)**
- **an act committed outside Turkey by a foreign national who is currently in Turkey**

Turkish courts have the competence to deal with criminal acts that are committed outside Turkey by Turkish nationals. In such cases, Articles 4 and 5 of the Turkish Penal Code applies.

Article 4 of the Turkish Penal Code reads, *"If a Turkish national or a foreigner commits a felony against the security of the Turkish State or any of the offences in Articles 316, 317, 318, 319, 320, 323 and 324 of Chapter One, Part Six and Articles 332 and 333 of Chapter Two, Part Six, he or she shall be prosecuted and punished by penalties prescribed in these articles.*

Such offenders, even if previously convicted in foreign countries, shall be retried in Turkey upon the request of the Minister of Justice, except in case of counterfeiting currency.

Whoever commits a felony during and in connection with the performance of a civil service or a mission on behalf of Turkey in a foreign country, shall be prosecuted in Turkey."

Article 5 of the Turkish Penal Code, *"If a Turkish national commits in a foreign country a felony apart from those mentioned in Article 4 requiring a freedom-restricting penalty for a period not less than 3 years under Turkish Law, he or she shall be punished according to Turkish Law, if he or she is currently in Turkey.*

If this felony requires a freedom-restricting penalty for a period less than 3 years, then the prosecution process may only be initiated upon the complaint of the injured party or the foreign government.

If the injured party is a foreigner, the act must require a punishment according to the legislation of the country where it was committed."

In cases where an act is committed outside Turkey by a foreign national who is currently in Turkey, provisions of Article 6 of the Turkish Penal Code apply:

"If a foreigner commits in a foreign country a felony apart from those mentioned in Article 4 requiring a freedom-restricting penalty for a period not less than one year under Turkish Law against Turkey or a Turkish national, he or she shall be punished according to Turkish Law, if he or she is currently in Turkey.

However, a public prosecution may only be initiated upon the request of the Minister of Justice or the complaint of the injured party.

If the felony is committed against a foreigner, the offender shall be punished upon the request of the Minister of Justice provided that the following conditions exist:

1. *The act must constitute an offence punishable by a freedom-restricting penalty for a period not less than three years under Turkish Law.*
2. *Absence of an extradition treaty or rejection of extradition by the state in the territory of which the offence was committed or the state of which the offender is a national.*

If a Turkish or a foreign national commits in a foreign country the offences prescribed in Chapter Three, Part Eight of the Turkish Penal Code, a public prosecution shall be spontaneously initiated and the offender shall be punished by the penalties foreseen in the Articles of that chapter.

Sub-paragraph 3 (c)

Please list the countries with which Turkey has relevant bilateral agreements

The list of the countries with which Turkey has relevant bilateral agreements is attached hereto as Annex 1.

Sub-paragraph 3 (d)

The CTC would welcome a report in relation to the relevant international conventions and protocols relating to terrorism on the progress made by Turkey in:

- **becoming a party to the instruments to which it is not yet a party**
- **enacting legislation and making other necessary arrangements to implement the instruments to which it has become a party**

Turkey has ratified the "**International Convention for the Suppression of Terrorist Bombings**" and the "**International Convention for the Suppression of the Financing of Terrorism**" since the submission of the report on measures taken by Turkey against terrorism to the Counter-Terrorism Committee. In doing so, Turkey has ratified all the United Nations conventions on combating terrorism and fullfilled its obligations under UNSC Resolution 1373.

According to Article 90 of the Turkish Constitution, properly ratified agreements are incorporated to the Turkish domestic legislation and have the force of law in the domestic legal order.

Sub-paragraph 3 (e)

Have the crimes mentioned in the relevant international conventions been included as extraditable offences in the bilateral treaties to which Turkey is party?

The crimes that require a freedom-restricting penalty for at least one year according to the legislation of the parties are prescribed as extraditable offences in the bilateral treaties to which Turkey is party. In other words, the bilateral treaties to which Turkey is party neither enumarate nor specify the extraditable offences, but prescribe all the crimes that require the above mentioned penalty as extraditable offences regardless of their nature. The criteria for extradition is not the type of the crime, but the penalty imposed. Therefore, the crimes mentioned in the relevant international conventions may be subject to extradition in accordance with the bilateral treaties to which Turkey is party.

On the other hand, to overcome difficulties faced with European countries in matters pertaning to the extradition of persons searched by court warrants, Turkey has decided to refer to UNSCR 1373 in its extradition demands to strengthen its position.

Paragraph 4

Has Turkey addressed any of the concerns expressed in paragraph 4 of the Resolution?

Turkey shares the concerns underlined in paragraph 4 of the UNSC Resolution 1373. In fact its years long experience and struggle against terrorism has demonstrated the link between organized crime and terror. Turkey has always advocated that an efficient struggle against terror can only be achieved in a comprehensive manner which also takes into account this link.

Turkey has always stressed the concerns expressed in paragraph 4 of the Resolution on various occasions such as the meetings and conferences of international organizations and bilateral discussions and called for international cooperation and coordination of efforts on all levels in order to combat terrorism and organized crime and overcome this scourge.

Other matters:

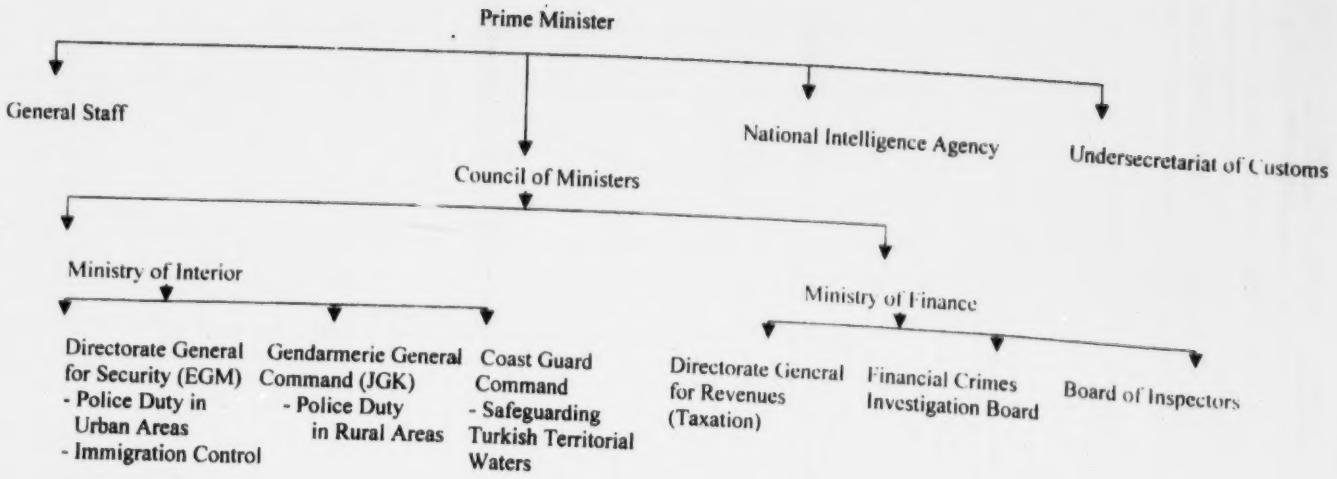
Could Turkey please provide an organizational chart of its administrative machinery such as police, immigration control, customs, taxation and financial supervision authorities established to give practical effect to the laws, regulations and other documents that are seen as contributing to compliance with the Resolution.

A chart is attached hereto as Annex 2.

Annex 1

COUNTRY	AGREEMENT	PROTOKOL	MUTUAL UNDERSTANDING	AGREED MINUTES	JOINT DECLARATION OR MEMORANDUM	TOTAL
USA	3	1	1			5
GERMANY	2					12
ARGENTINA						1
ALBANIA				8		10
AVUSTRIA						3
AZERBAIJAN	1					8
BELARUS				1		4
BELGIUM				1		1
BOSNIA AND HERZEGOVINA				1		3
BULGARIA	3			7		14
ALGERIA						3
CZECH REPUBLIC	1			1		3
CHINA	1					2
DENMARK	1					2
ETHIOPIA	1					1
MOROCCO				1		1
PALESTINE				2		2
FINLAND	1					3
FRANCE				1	1	2
GEORGIA	1			1		3
INDIA	1			1		2
CROATIA	2			3		6
HOLLAND						1
UNITED KINGDOM						1
IRAQ						2
IRAN	2		14	18		35
IRELAND				1		1
SPAIN	1					1
ISRAEL	1			1	1	3
ITALY	1			4	1	7
CANADA						1
TURKISH REP.OF N.CYPRUS	2			3		6
KAZAKHSTAN				4	1	6
KYRGYZSTAN	2			1	1	4
KUWAIT				2		3
CUBA	1					1
LATVIA	2			4		6
LITHUANIA	1			1		3
HUNGARY	2			6		10
MALTA	1					1
MACEDONIA	1			3		5
EGYPT	1			1		4
MONGOLIA	1					1
MOLDOVA	2					3
NORWAY				1		1
UZBEKISTAN	2				1	6
PERU	1					1
POLAND	1					2
ROMANIA	2			5	1	12
RUSSIA	4			5		13
SLOVAKIA	1			4		5
SUDAN				1		3
SYRIA				13		16
SAUDI ARABIA				2		4
TUNISIA				2		3
TURKMENISTAN						2
UKRAINE	1					5
JORDAN	1			1	1	4
YUGOSLAVIA				1		2
GREECE	1					1
AVUSTRIA-BULGARIA-FRANCE-W.GERMANY-ITALY-SWITZERLAND-UNITED KINGDOM-GREECE				1		1
BOSNIA AND HERZEGOVINA AND CROATIA	2					3
BLACK SEA ECONOMIC COOPERATION (WITH 10 COUNTRIES)	1					3
ROMANIA BULGARIA	1			1		2
INTERNATIONAL CENTER OF BUILD UP POLICY OF MIGRATION	1					1
TOTAL	66	41	41	130	11	289

Annex 2


Prime Minister
General Staff
National Intelligence Agency
Undersecretariat of Customs
Council of Ministers
Ministry of Interior
Ministry of Finance
Directorate General for Security (EGM)
- Police Duty in Urban Areas
- Immigration Control
Gendarmerie General Command (JGK)
- Police Duty in Rural Areas
Coast Guard Command
- Safeguarding Turkish Territorial Waters
Directorate General for Revenues (Taxation)
Financial Crimes Investigation Board
Board of Inspectors

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Letter dated 21 August 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 27 December (S/2001/1339).

The Counter-Terrorism Committee has received the attached supplementary report from Romania, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 27 August 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Romania to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

Following my letter dated 20 August 2002,* through which I presented the new report of the Government of Romania containing answers to the specific questions of the Committee, please find enclosed the final version of the report (see enclosure).

The final version of the report includes last-moment updates, reflecting the newest changes which have occurred within the administrative and legal system.

(*Signed*) Marius **Dragolea**
Chargé d'affaires a.i.

* The above-mentioned letter is on file with the Secretariat and is available for consultation.

Enclosure

Report to the Counter-Terrorism Committee

Further to the CTC letter of May, 28, 2002, the Government of Romania prepared a new report answering to the specific questions the Committee has set out in the document S/AC.40/2002/MS/OC.87.
The setting up and the strengthening of the legislation on combating international terrorism are a continuing process. Romania attaches a great importance to this process and is undertaking all the necessary measures for implementing the relevant resolutions of the United Nations Security Council.

Sub-paragraph 1 (a):

From the report, it appears that the provisions of Government Emergency Ordinance No. 159/2001 apply only to the individuals and entities specifically listed in the annex to the ordinance (as amended from time to time) and that there is no legislative provision that authorizes the freezing of the funds and other assets of classes of persons defined generically (for example, by reference to their behavior). Is that so?

If it is so, what are the legislative provisions and procedures that enable the economic and financial system of Romania to guard against operations carried out by persons or entities that are not listed but are involved, or suspected of being involved, in criminal activities, especially terrorist activities or activities in support of terrorism? If there are no such provisions or procedures, is it planned to put any in place?

[The provisions of the Chapter I of the Government Emergency Ordinance no.159/2001 apply only to the individuals and entities specifically listed in the annex to the above-mentioned Ordinance.
According to art.2, the annex is updated periodically]

[Other persons than those specifically listed, who have committed one of the terrorist offences provided in the Government Emergency Ordinance no. 141/ 2001 and Government Emergency Ordinance no.159/2001, can be prosecuted and sentenced according to the general provisions of the Criminal Procedure Code and of the Criminal Code.
Regarding the freezing of the funds and other assets of these persons, this can be done according to the provisions of art 118 of the Criminal Code and art.439 of the Criminal Procedure Code regarding the confiscation and art. 163-167 of the Criminal Procedure Code regarding the seizure procedure].

Subparagraphs 1 (a) and (b):

Please provide a detailed outline of Government Emergency Ordinance no. 141/2001 and, in particular, please include in the outline an indication whether (and, if so, how) the Ordinance criminalise acts performed in Romania that are not inherently criminal in character (such as the raising of funds) but are connected with acts, or intended acts, outside Romania that are of a criminal or, more particularly, terrorist nature?

The Romanian Government issued the Emergency Ordinance no. 141/2001 published in Official Gazette of Romania no. 691/31.10.2001, which defined the terrorist acts and provide the sanctions for these acts.
According to the art.2 (2) and (3) of the above mentioned Emergency Ordinance, the identification of these persons (citizenship, date and place of birth for the physical persons) is required by the Ministry of Foreign Affairs upon the request of the Ministry of Finance. According to the art. 4 (3), the Ministry of Finance can request to the Ministry of Public Administration, Ministry of Interior, Chamber of Commerce and trade or from Romanian Intelligence Service or Foreign Intelligence Service all the necessary information data.
The Government Emergency Ordinance no.141/2001 incriminates the terrorist acts as follows: according to the art.1 of this Ordinance, are considered terrorist acts:
-the offences stipulated in art.174-176 (homicide), 181, 182 (injuries to the physical integrity or health), 189 (illegal deprivation of liberty), 217, 218 (destruction), 279, 280 (offences related to the legal status of the fire guns and explosive materials) of the Criminal Code;
- the offences stipulated in art.106-109 of the Government Ordinance no.29/1997 on the Air Code, if the offences are committed in order to disturb the public order by intimidation, or by creating panic.
Art. 2-5 of this Ordinance provides for a number of acts also considered as terrorist and the art.6 stipulates the competence of judicial bodies to prosecute and judge the offenders.
Provisions regarding acts performed in Romania that are not considered as offences are included in art. 2 paragraphs 2 and 3, which also stipulates that the attempt is punished.
Provisions regarding the crime of raising funds for terrorist acts or intended acts are included in art 15 of the Government Emergency Ordinance No. 159/2001:
"The person's act to collect fund, directly or indirectly, being aware that these funds are used, all or part of them, to commit terrorism acts is an offence and shall be punished with imprisonment from 5 to 20 years and interdiction of some rights.
With the same punishment shall be sanctioned the person act's to obtain funds in order to finance the terrorism acts.
The attempt shall be punished.
The funds collected for committing terrorists acts shall be confiscated".

Sub-paragraphs 1(c) and (d):

Apart from the requirements of Government Emergency Ordinance No. 159/2001, what vigilance and reporting obligations apply to financial intermediaries (including those outside the main financial sector, such lawyers) with a view, in particular, to the

prevention of economic, and financial transactions with terrorist or other criminal aims (as distinct from identifying the proceeds of illicit activity)? What are the penalties for breaching those obligations and have any penalties already been handed down?
What preventive controls and surveillance measures exist to ensure that funds indented for the financing of terrorism are not transferred through charitable, religious or cultural organizations?
Please outline the legislation and practical measures available to regulate alternative money transfer agencies and other arrangements for the transfer of funds such as the system known as hawala.
The CTC would welcome a report on the progress of the process of ratification and translation into domestic law of the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime.

The Romanian National Bank is, according to the law, the only regulatory organism, which monitors the commercial banks. It is also part of the Interministerial Council for enforcing the Resolution 1333/2001 of UNSC, and it constantly provides reports related to the measures taken on this matter. At the same time, it monitors all the money transfers, which do not comply with the stated time and purpose. The matter is transferred to the Ministry of Finance in order to be examined.
If, following the examinations, the Ministry of Finance considers that the regulations are breached, the punishments stipulated in the Government Emergency Ordinance 18/1994, (contravention penalties up to 100% of the total amount subject to transfer) regarding the financial discipline of the economic agents are applied, and the information is taken over by the Ministry of Interior, the Prosecutor's Office, the Romanian Intelligence Service, The External Intelligence Service, the National Council of Preventing and Suppressing the Money Laundering . This information are taking over by the agencies above mentioned in order to check if the offence has a penal or a contraventional character.

According to the art. 8 (2) of the Emergency Ordinance 159/2001 the National Bank of Romania, the National Securities Commission and the Insurance Oversight Commission issued, within 10 days from the entering into force, the regulations regarding the necessary documentation on financial -banking operations submitted to approval. Pursuant to this provision, the National Bank of Romania issued the Norms no. 5/2001, that stipulates all operations under previous approval, carried out by the persons provided by the art.5 of the Emergency Ordinance.
According to the Law 21/1999 on the prevention and punishment the money laundering, the National Bank of Romania co-operates with the National Office for the Prevention and Control of Money Laundering as a specialized body with legal personality, subordinated to the Government. In order to ensure the carrying out of the banking activities, in compliance with the legal requirements, including with the legislation regarding the Anti Money Laundering , the National Bank of Romania issued the Norms no 3/2002 published in the Official Gazette of Romania no. 154/2.03.2002 regarding know-your-customer standards. According to these norms, the National Bank of Romania shall set up efficient "know-your customer" policies and procedures, further called know-your customer programs, to promote high ethical and

professional standards in order to prevent the Romanian Banking System from being used in an illegal or criminal activity performed by its customers. The regulations include general and special requirements regarding the customer identification as defined by the above-mentioned norms.
There has not been detected such alternative money transfer agencies and no arrangements for the transfer of funds (hawala type) on the Romanian territory; no specific legislation regarding this mean of funds transfer.
Apart from the requirements of Government Emergency Ordinance no 159/2001, vigilance and reporting obligations applicable to financial intermediaries are not provided, excepting the obligation to report operations suspected to be money-laundering operations.

Sub-paragraph 2 (a):

As mentioned above, the CTC would be grateful for an outline of the scope of Government Emergency Ordinance No. 141/2001 in relation to activities having some links (particularly as regards actual acts of terrorism) with another country. The CTC would also be grateful for an indication of Romania's long -term legislative and of funds through front organizational plans for dealing with these matters.

Please outline the measures, both legislative and practical, preventing entities and individuals from recruiting, collecting funds or soliciting other forms of support for terrorist activities to be carried out inside or outside Romania, including in particular:

The caring out, within or from Romania, of recruiting, collecting of funds and soliciting of other forms of support from other countries; and

Deceptive activities such as recruitment based on a representation to the recruit that the purpose of the recruitment is one (e.g. teaching) different from the true purpose and collection of funds through front organizations.

What measures does Romania have in place to prevent terrorists obtaining weapons within or outside its territory, in particular small arms or light weapons? What is the legislation concerning the acquisition and possession, and import and export, of such weapons?
According with the provisions of the Law 14/1992 concerning the organization and functioning of the Romanian Intelligence Service and with the Law 51/1991, the Romanian Intelligence Service develops with the approval of the NSDC (The National Supreme Defense Council), cooperation activities with similar services from other countries. One of the main fields of cooperation is the prevention and counter of terrorist acts as well as the initiation and supporting of such activities.
With respect to the long term organizational and legislative plans the decisions of NSDC have implications on all the institutional demarches - made by National Intelligence Service and the others national institutions aimed at countering terrorism. Thus, the institutions will conclude special interdepartmental programs on prevention and combating terrorism as follows:
Information activities developed by the securities services;
protection activities and others special ways of discouraging the terrorists actions;

activities against recruiting terrorist network;
activities for instruction and professional training of specialist on different fields of activities represented in the national system for preventing and counter terrorism;
activities for optimization the legislative background in the field;
anti-terrorism intervention;
the organization and functioning of a link bodies and operative coordination anti- terrorism.
At the same time, each institution belonging of National System for Preventing and Combating Terrorism will issue a Special Departmental Program, in accordance with its legal competencies.

Regarding the legislative measures preventing entities and individuals from collecting funds or soliciting other form of support from other countries for terrorists activities, art 15 of the Government Emergency Ordinance no 159/2001 does not make any distinction based on the country origin of funds or other form of support.
So, carrying out, within or from Romania, of collecting funds or soliciting of other form of support from other countries is punished according to art 15 of the Emergency Ordinance mentioned above.
As regard the recruiting, art 3 of the Government Emergency Ordinance no. 141 /2001 punishes with imprisonment from 3 to 15 years the agreement in order to commit terrorists acts. This article can be understood as criminalizing the recruitment, since the recruitment represents a form of agreement and instigation.
The instigation to commit offences, generally speaking, is a crime stated in art. 25, 27 and 29 of the Criminal Code.
The deceptive recruitment activities are not specifically incriminated.
In order to prevent terrorists obtaining arms, the Romanian Government has taken a number of practical measures covering several approaches of the matter.
National inter agency cooperation
The National Intelligence Services as part of the Inter-ministry Council[1] for the control of exports and imports of strategic exports has to provide, according to the specific Law (Government Ordinance no. 158/1999), the necessary information in order to adopt the most appropriate solutions for preventing the diversion of arms.
The Ministry of Interior by means of its specially created body (Division for Economic Strategic Investigations) and the General Customs Directorate has to enforce the specific Law on arms exports. Any failure to comply with the terms approved by a license has to be acknowledged to the Romanian authority (the National Agency for the Control of Strategic Exports and of Prohibition of Chemical Weapons –NACSEPCW) in order to be incriminated.

[1] The Inter-ministerial Council has been created on the basis of the Government ordinance no. 158/1999 (art 23) The Inter-ministerial Council consists of representatives at least at director level of the following ministries and public institutions: NACSEPCW, as the Romanian authority in strategic goods (arms and dual-use goods) exports controls, the Ministry of Foreign Affairs, the Ministry of National Defense, the Ministry of Interior, Ministry of Public Finances, Ministry of Industry and Resources, Ministry of European Integration, Romanian Intelligence Service, Foreign Intelligence Service, National Commission for Nuclear Activities Control. Decisions are taken by consensus.

Several protocols aiming to enforce the cooperation between NACSEPCW and the Romanian Chamber of Commerce and Industry, the General Customs Directorate, the Division for Economic Strategic Investigations and the National Commission for Nuclear Activities Control have been signed and are renewed on yearly basis. The protocols set up the responsibility of parties to share information and to adopt the most appropriate measures to combat illicit trafficking of strategic goods (dual use goods, arms, munitions, military equipment and their related technologies) in particular small arms and light weapons (SALW).

Early warning of potential violence and regional instability are assessed by the Ministry of Foreign Affairs that consequently recommend, within the meetings of the Inter-ministry Council, the rejection of any export license application to the destinations subject of concern. It has to be mentioned, in this respect, that Romania fully respects the EU Code of Conduct on arms transfers as well as international arms embargoes.

In the process of the examination of licenses applications, the lists containing individuals and entities involved in or supporting terrorist activities are taken into account.

Transparency:

Primary, secondary and tertiary legislation on arms trade is publicly available and published in the Official Gazette as well as on some Internet sites specialized in law consultancy. The Romanian authority in the field of strategic goods exports, NACSEPCW has its own Internet site (www.ancesiac.ro) where specific laws, regulations and many useful information can be accessed by the Romanian companies interested in exports, imports, transit and transshipment of strategic goods and technologies.

On request, any Romanian legal person interested in arms transfers, may acquire technical advises from NACSEPCW. The requested consultation is free of charge. The Romanian authority looks at this open dialogue as one of the most important ways to prevent illicit trafficking. Several initiatives, such as: conferences, symposiums, "open doors", "round tables meetings", having exporters and importers as guests of NACSEPCW and on site visits to the Romanian companies, have been developed in the last two years in this respect. This dialogue is helpful to both of the Romanian companies, by being updated their necessary information and the National Authority that is continuously looking to improve the specific legislation.

From the perspective of taking preventive measures, NACSEPCW is preparing the implementation of the Internal Control Program, which is meant to develop within the main Romanian exporting companies small units of self risk-assessment of exports, which should look at the transaction form a broad perspective prior to submit an application. This initiative is intend to be part of the confidence security building measures that the Romanian authority expects to share with the national companies.

The first Romanian Report on Arms Transfers/2001 has been drawn up. The document will be published.

THE NATIONAL LEGAL BASIS GOVERNING OVER THE EXPORT OF CONVENTIONAL ARMS

Primary legislation:
Law no. 17/1996 on the regime of firearms and munitions; this law refers to firearms including sporting and hunting firearms and set up the regime of acquisition and possession, import and export of such weapons.
Law 126/1995 on the regime of explosive materials; this law covers the issues of production, testing, possession, transit, transportation, stockpiling and handling of the explosive materials.
Law No. 56/1997 implementing the provisions of the Convention On The Prohibition Of The Development, Production, Stockpiling And Use Of Chemical Weapons And On Their Destruction;
Law No. 204/2000 ratifying the Convention on the Prohibition on the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their De
struction.
Government Ordinance No. 158/1999, on the regime of exports and imports of strategic goods, as amended; this Government Ordinance includes the military SALW.
secondary legislation:
Government Decision No. 844/2001 approving the List of arms, munitions and other military goods subject to the export and import control regime.
tertiary legislation:
Orders issued by State Secretary of the National Agency for the Control of Strategic Export and of Prohibition of Chemical Weapon (NACSEPCW) on the regulations, procedures and enforcement of the control of conventional arms exports.

Sub-paragraph 2 (b):

Is the specialized department set up to make the war on terrorism more effective (refereed to on page 10 of the report) responsible for co-ordination between the various government entities mentioned in relation to this sub-paragraph or does each agency define its strategy independently? What are the respective roles, in this regard, of that department and the Interministerial Council mentioned on page 4?
Please explain whether there is any mechanism to provide early warning to other countries on anticipated terrorist acts on their territory.

The National System of Prevention and Counter Terrorism represents an inter-institutional mechanism, which set up rules to apply the national strategy and other instruments (there are no overlaps with the Interministerial Council). In this respect all the relevant agencies have the same status and will continue to act in accordance with their legal competencies.
The issuing of the special departmental programs of each agency is made on a case by case basis according with the National Strategy and with the provisions of the General Protocol, being submitted for the SCCD approval.

The Interministerial Council was set up under the Emergency Ordinance no. 153/2001 with a view to implementing the United Nations Security Council Resolution 1373/2001. It consists of 10 ministries. The Interministerial Council reports to the Romanian Government.
Mechanism to provide early warning to other countries on terrorist acts on the territory.
Through Aviation Security Disposition no. D-SEC-02-01 from 26.10 2001 issued by the State Inspectorate of Civil Aviation within Ministry of Public Works, Transport and Housing it is required that Romanian Air Traffic Services Administration (ROMATSA R. A.) shall originate and distribute by aeronautical fixed communication network (AFTN) to all other European Civil Aviation Conference (ECAC) Member states an urgent message with the highest priority indicator containing all available information, when:
An aircraft is hijacked within a flight information region (FIR) or upper information region (UIR) under its control;
Hijacked aircraft is entering a FIR/UIR under is control;
A hijacked aircraft is leaving a FIR/UIR under its control and is entering a FIR?UIR under the control of a non ECAC Member State;
An aircraft is hijacked on the ground at an airport on its territory;
A hijacked aircraft has landed on its territory;
A hijacked aircraft has taken off from its territory.
By the SCCD Decision no. 36 on 05.April.2002 for the approval of the National Strategy for Preventing and Combating terrorism and the Decision of Romanian Parliament no.36/2001 regarding the adoption of the National Security Strategy, the basis of the coordination at national level in this area was laid down, finalized by concluding the General Protocol for Organization and Functioning of the National System of Prevention and Combating Terrorism between the relevant agencies.

Sub-paragraph 2 (e):

What is the competence of the courts of Romania to deal with criminal acts of each of the following king:

An act committed outside Romania by a person who is a citizen of, or habitually resident in, Romania (weather that person is currently in Romania or not);

An act committed outside Romania by a foreign national who is currently in Romania?

According to the art. 4 of the Criminal Code, criminal law applies to crimes committed outside Romania if the perpetrator is a Romanian citizen or if possessing no citizenship, the perpetrator has residence in Romania. According to article 6 of the Criminal Code, criminal law also applies to other crimes that mentioned in art 5, par 1, namely to crimes committed outside Romania by a foreign citizen or by a person without citizenship having the residence in Romania if:
the act committed is considered a crime as well by the criminal law of the country where the act was committed;
the perpetrator is in Romania;

Sub-paragraph 2 (f):

Please provide a progress report on the new measures that Romania plans to take during 2002 in the field of mutual legal assistance in criminal matters, as mentioned in the report in relation to this sub-paragraph.

The Ministry of Justice elaborated the Law on international judicial assistance, adopted by the Parliament by the end of 2001 (Law no. 704/2001), published in the Official Gazette no. 807/2001).

Sub-paragraph 2 (g):

Please provide a progress report on the introduction of the more secure form of passport referred to in the report.

The new passport is personalized by technology via inkjet, with colored pictures and the identity information in black, introduced with personal data. For preventing forging and deterioration, a kinegrame is laminated over the identity information.
The passport includes the identification data of the person (name, surname, date and place of birth, the issuing institution and the date of issuance, validity, personal number code, citizenship, passport series, the scanned signature of the titular, the informatized data optically readable, the photography of the titular directly digitized and also in shadow, fluorescent images in UV).
Protection of the informatized page is made by "TKO"multi images protection, containing the badge framed by the country borders, the emblem ROMANIA and the group of letters "RO". The letters "RO" on the passport covers can be noticed under UV light. The stitching of the passport is made by the chain method, the end of the thread being re (sewed). The thread consists of three separate fibers colored in yellow blue. One of the them reacts to UV light in yellow/ green. The number of the passport is clipped starting with the first page and ending with the 32nd pages. Due to the laser characteristics, the clips have a conical shape, being larger on the first pages, becoming smaller and smaller to the end.

Sub-paragraphs 3 (c) and (d):

The CTC would welcome a report, in relation to the relevant international conventions and protocols relating to terrorism, on the progress made by Romania in:

Becoming a party to the instruments to which it is not yet a party; and

Enacting legislation, and making other necessary arrangements, to implement the instruments to which it has become a party.

By the law no. 11/2002 (published in the Official Gazette no 211/2002) was ratified the Statute of the Criminal International Court.
By the Law no 756/2001 (published in the Official Gazette no 2/2002) was ratified the European Convention on the transfer of convicted persons.

There are under way to be adopted:
Law on international organized crime;
Law on ratifying the UN Convention on the transborder organized crime;
Law on ratifying the UN Convention for the suppression of the financing terrorism;
Law on cyber-crime.
Regarding the South Eastern European Defense Ministerial (SEDM) initiative concerning anti-terrorism, presented in the previous country report, the text will be change as follows: Romania has joined the SEDM initiative relating to anti-terrorism, border security and non-proliferation, which was debated and relating to anti-terrorism, border security and non-proliferation, which was debated and endorsed at the SEDM meeting in Antalya (Turkey) on December 2001. Following this meeting, a Working Group on "Defense Military Support for Counter-proliferation of MDW, Border Security and Counter-terrorism" was established. Romania holds the chairmanship of the SEDM co-ordinating committee and will be co-ordinating joint actions in the context of the ministerial conference.

Romania is already part to all international conventions regarding civil aviation security,
There are in preparation the following regulations that are to be approved through a ministry Order:
National training Program for all staff employed in the field of aviation security;
Regulation on Cargo and mail security;
Regulation on catering and stores security.

Sub- paragraph 3 (e):

Have the offences set forth in the relevant international conventions and protocols been included as extraditable offences in the bilateral treaties to which Romania is party?
Romania concluded the bilateral treaties on extradition before becoming party to multilateral agreements with relevant provisions on extradition. In the respective bilateral agreements there are not mentioned, as a rule, offences giving place to extradition, having been stipulated that such procedure is to be applied to all offences to which the punishment is more than one year.

The domestic law on extradition supplements the norms contained in the international agreements. (Law no. 296/2001). In the absence of an international convention, the provisions of the domestic law on extradition, are to be implemented by virtue of international courtesy.

Sub-paragraph 3 (g):

It is possible under the law of Romania for requests for the extradition of alleged terrorists to be refused on political grounds?

Within the domestic law on extradition, there are no provisions defining political offences, but in art. 9 (4) there are specified the categories of offences which are not considered as political offences, namely:

crimes against humanity provided for in the Convention on prevention and suppression of genocide (1948);
crimes provided under articles of the Geneva Conventions (1949);
any similar violation of the war laws, as at the date of the Additional Protocol to the European Convention on extradition.
Also, in connection with the request of extradition between the state parties to the European convention on terrorism suppression, offences mentioned in art. 1 and 2 of the Convention may not be deemed as political offences or as offences connected to such offences or as offences inspired by political reasons.

Paragraph 4:

Has Romania addressed any of the concerns expressed in paragraph 4 of the Resolution?

The Government of Romania is kindly asking the CTC to examine the possibility of granting specialized assistance and expertise with a view to elaborating a law covering all matters related to terrorism, including special provisions concerning extradition and mutual legal assistance.

Other matters:

Could Romania please provide an organizational chart of its administrative machinery, such as police, immigration control, customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other documents that are seen as contributing to compliance with the Resolution.

In order to achieve the objectives of the National Strategy on Preventing and Combating Terrorism, the National System for Preventing and Countering Terrorism is set up as a mechanism for unitary ensuring, organizing and carrying out institutional co-operation meant to efficiently fulfil all the tasks related to the national anti-terrorist action plan.

The National System for Preventing and Countering terrorism is made-up of:

a) The National Supreme Defense Council for Country Defense, with a strategic coordination function;
b) Romanian Intelligence Service, with a technical coordination function;
c) The following ministries:

The Ministry of Public Administration;
The Ministry of Foreign Affairs;
The Ministry of Agriculture, Food and Forests;
The Ministry of National Defense;
The Ministry of Waters and Environment Protection;

The Ministry of Communications and Information Technologies;
The Ministry of Public Finances;
The Ministry of Industry and Resources;
The Ministry of Public Information;
The Ministry of European Integration;
The Ministry of Interior;
The Ministry of Justice;
The Ministry of Public Works, Transports and Housing;
The Ministry of Health and Family.

d) The Foreign Intelligence Service; The Protection and Guard Service; The Special Telecommunications Service;
e) Prosecutor's Office by the Supreme Court of Justice;
f) The National Bank of Romania;
g) The following National Authorities:

- The National Agency for Strategic Exports Control and the Prohibition of Chemical Weapons;
- The National Office for Preventing and Countering Money Laundering;
- The National Commission for the Control of Nuclear Activities.

In order to efficiently operate, the structure of the National system for preventing and countering terrorism will be modified considering the evolution of the terrorist threats and the changes within the Romanian institutional framework.

United Nations A/57/341–S/2002/950

General Assembly
Security Council

Distr.: General
23 August 2002

Original: English

General Assembly
Fifty-seventh session
Item 162 of the provisional agenda*
Measures to eliminate international terrorism

Security Council
Fifty-seventh year

Letter dated 23 August 2002 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General

Upon the instruction of my Government, I have the honour to transmit herewith the text of the statement of the Ministry of Foreign Affairs of Georgia of 23 August 2002, on the act of aggression carried out by the Russian Federation against Georgia and manifested in the barbaric bombings of the country on 23 August 2002, which resulted in civilian casualties (see annex).

I should be grateful if you could have the present letter and its annex circulated as a document of the General Assembly under item 162 of the provisional agenda, and the Security Council.

(*Signed*) Revaz **Adamia**
Ambassador
Permanent Representative

* A/57/150.

02-53506 (E) 260802 260802

Annex to the letter dated 23 August 2002 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General

[Original: Russian]

Statement by the Ministry of Foreign Affairs of Georgia

The Ministry of Foreign Affairs of Georgia expresses extreme outrage at the fact that troops of the Russian Federation have committed yet another barbaric act against neighbouring Georgia.

On 23 August 2002, two groups of Russian military aircraft (each with two planes) invaded Georgian airspace and from 5.20 a.m. to 6.07 a.m. bombed the territory of Georgia, specifically the villages of Patara Borbalo, Ukana Pshavi, Tbatan and Bukhrebi and the area of the Ilto gorge.

The occurrence of the invasion of Georgian airspace and the air attack was also verified by the Organization for Security and Cooperation in Europe (OSCE) observers.

The air strikes resulted in deaths among the peaceful population. According to preliminary information, three Georgian citizens, including one woman, died as a result of this bloody act. Seven persons, including two children, were seriously wounded. The exact number of deaths is being clarified.

The Ministry of Foreign Affairs of Georgia states that this constitutes completely barefaced aggression by Russia against sovereign Georgia, flagrant flouting of all the civilized norms of inter-State relations and cold-blooded murder of completely innocent people, including women and children.

Full responsibility for this crime lies with the aggressive circles in the Russian Federation, including the military, which under the far-fetched pretext of fighting terrorists have recently fanned anti-Georgia hysteria and called for military action in the territory of Georgia.

United Nations S/2002/951

Security Council

Distr.: General
26 August 2002

Original: English

Letter dated 22 August 2002 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to resolution 1425 (2002), adopted by the Security Council on 22 July 2002, concerning Somalia. Paragraph 3 of the resolution requests that I establish within one month from the date of its adoption a Panel of Experts consisting of three members, to be based in Nairobi for a period of six months. Its purpose would be to generate independent information on violations of the arms embargo on Somalia and to provide recommendations on possible practical steps and measures for implementing it.

Accordingly, I wish to inform you that, after consultation with the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia, I have appointed the following experts:

Mr. Ernst Jan Hogendoorn (Netherlands)

Mr. Mohamed Abdoulaye M'Backe (Senegal)

Mr. Brynjulf Mugaas (Norway)

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

02-53642 (E) 260802

United Nations S/2002/952

Security Council

Distr.: General
27 August 2002

Original: English

Letter dated 14 August 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 27 December 2001 (S/2001/1265) transmitting a report from Belize submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully with the assistance of its experts and has written to the Permanent Representative of Belize to the United Nations to set out its preliminary comments. Belize has been requested to provide a response in the form of a supplementary report by 17 July 2002.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

02-57952 (E) 090902

United Nations S/2002/953

Security Council

Distr.: General
27 August 2002

Original: English

Letter dated 14 August 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letters dated 28 December 2001 and 18 June 2002 (S/2001/1324 and Add.1) transmitting a report from the Cook Islands submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully with the assistance of its experts, and has written to the Deputy Prime Minister of the Cook Islands to set out its preliminary comments. The Cook Islands has been requested to provide a response in the form of a supplementary report by 20 August 2002.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

02-57964 (E) 090902

United Nations S/2002/954

Security Council

Distr.: General
27 August 2002

Original: English

Letter dated 14 August 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 2 January 2002 (S/2002/4) transmitting a report from Uzbekistan submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully with the assistance of its experts and has written to the Permanent Representative of Uzbekistan to the United Nations to set out its preliminary comments. Uzbekistan has been requested to provide a response in the form of a supplementary report by 20 August 2002.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

02-57958 (E) 090902

United Nations S/2002/955

Security Council

Distr.: General
27 August 2002

Original: English

Letter dated 14 August 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 28 December 2001 (S/2001/1328) transmitting a report from Yugoslavia submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully with the assistance of its experts and has written to the Permanent Representative of Yugoslavia to the United Nations to set out its preliminary comments. Yugoslavia has been requested to provide a response in the form of a supplementary report by 20 August 2002.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

02-57984 (E) 090902

United Nations S/2002/956

Security Council

Distr.: General
27 August 2002

Original: English

Letter dated 14 August 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 28 December 2001 (S/2001/1332) transmitting a report from the Islamic Republic of Iran submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully with the assistance of its experts and has written to the Permanent Representative of the Islamic Republic of Iran to the United Nations to set out its preliminary comments. The Islamic Republic of Iran has been requested to provide a response in the form of a supplementary report by 30 August 2002.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

02-57976 (E) 090902

United Nations S/2002/957

Security Council

Distr.: General
27 August 2002

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Letter dated 21 August 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 9 January 2002 (S/2002/15) transmitting a report from Cuba submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully with the assistance of its experts and has written to the Permanent Representative of Cuba to the United Nations to set out its preliminary comments. Cuba has been requested to provide a response in the form of a supplementary report by 24 September 2002.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

02-57970 (E) 100902

United Nations S/2002/958

Security Council

Distr.: General
27 August 2002

Original: English

Letter dated 14 August 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 17 April 2002 (S/2002/435) transmitting a report from Benin submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully with the assistance of its experts and has written to the Permanent Representative of Benin to the United Nations to set out its preliminary comments. Benin has been requested to provide a response in the form of a supplementary report by 15 October 2002.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

02-57990 (E) 100902

United Nations S/2002/959

Security Council

Distr.: General
27 August 2002

Original: English

Letter dated 14 August 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letters dated 18 April and 10 July 2002 (S/2002/444 and Add.1) transmitting a report from Burkina Faso submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully with the assistance of its experts and has written to the Permanent Representative of Burkina Faso to the United Nations to set out its preliminary comments. Burkina Faso has been requested to provide a response in the form of a supplementary report by 15 October 2002.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

02-57946 (E) 060902

United Nations S/2002/960

Security Council

Distr.: General
27 August 2002

Original: English

Letter dated 14 August 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 16 January (S/2002/75) transmitting a report from Côte d'Ivoire submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully with the assistance of its experts and has written to the Permanent Representative of Côte d'Ivoire to the United Nations to set out its preliminary comments. Côte d'Ivoire has been requested to provide a response in the form of a supplementary report by 15 October 2002.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

02-57940 (E) 060902

United Nations S/2002/961

Security Council

Distr.: General
27 August 2002

Original: English

Letter dated 14 August 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 4 June 2002 (S/2002/616) transmitting a report from Fiji submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully with the assistance of its experts and has written to the Permanent Representative of Fiji to the United Nations to set out its preliminary comments. Fiji has been requested to provide a response in the form of a supplementary report by 8 November 2002.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

02-57934 (E) 060902

United Nations S/2002/962

Security Council

Distr.: General
26 August 2002

Original: English

Letter dated 23 August 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Solomon Islands, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

02-55191 (E) 130902

Annex

Note verbale dated 23 August 2002 from the Permanent Mission of Solomon Islands to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of Solomon Islands presents its compliments to the Chairman of the Security Council Counter-Terrorism Committee and, pursuant to Security Council resolution 1373 (2001) of 28 September 2001, has the honour to submit herewith a brief report by Solomon Islands on measures it has taken to counter international terrorism (see enclosure).

Enclosure

Report of Solomon Islands on the implementation of resolution 1373 (2001) on counter-terrorism

Introduction

1. Following the September 11 terrorist attacks in the United States of America, the UN Security Council invited all member states of the UN through its Resolution 1373 inter alia, to conduct a high level review of their security and counter-terrorism arrangements.

2. The US statistics revealed that there has been a significant increase in terrorist activities during the past years. For instance, 273 international terrorist incidents were recorded in 1998, 392 in 1999 and 423 in 2000. The increase in terrorist activities is largely due to conflict of interests, religious beliefs, ideological differences, ethnic oriented conflicts and many other causes in many parts of the world. The trend has been that international terrorists are employing more violent means of carrying out terrorist acts. And there is growing fear that perpetrators will choose to use weapons of mass destruction in future to achieve their objectives.

3. Although Solomon Islands does not regard itself as the target of international terrorism, it has taken some measures, partly, in response to the UN Security Council Resolution 1373.

Measures taken by Solomon Islands to counter International Terrorism.

4. Solomon Islands has taken the following measures to counter international terrorism:

- Participation of senior officials involved in national security in annual workshops and seminars relating to international terrorism.
- The conduct of public relations campaign to make people aware of the dangers of international terrorism and the need to inform government and security officials when they witness suspicious acts.
- Co-operate with regional allies in the exchange of information, intelligence and opinions on the subject of international terrorism and other transnational criminal acts.
- Develop a separate legislation relating to prevention of terrorism in addition to other legislations that are in drafting stages on transnational crimes such as illicit drugs and money laundering.

5. In addition to the above and in specific references to *Operative Paragraphs 1, 2 and 3* of UNSC Resolution 1373, Solomon Islands has the additional information to provide:

(i) Solomon Islands now has a draft Bill on Money Laundering, which will be put to the next session of the National Parliament. The Bill when enacted will provide inter alia, a mechanism that prevents movement of funds for terrorist purposes. It will ensure that the law enforcement authorities are able to detect and prevent transactions relating to terrorist activities. The Bill will also enhance the exchange of financial transaction reports and information with other countries.

Under the proposed Bill, it is an offence for a person or persons who provide or receive questionable funds regardless of whether such funds will be used to facilitate terrorist acts or not. Provisions governing privacy of persons disclosing information and the use of information strictly and solely for the purpose are also enshrined in the draft Bill. In addition, it is an offence for person or persons utilizing the assets of persons or entities involved in terrorist activities, likewise, availing his or her own assets and establishments to be used by individual terrorists or organizations.

A maximum penalty is yet to be determined for all terrorist-related offen.es under the proposed Bill.

(ii) Solomon Islands shares a common border with Papua New Guinea. There are in place, a number of border-related Agreements between the two countries, including the Basic Agreement on Border Arrangements, signed in 1997. The Agreement serves to control movement of people and goods from both sides of the border.

Provided under the Agreement is the Joint Border Committee, which consists of senior officials of both parties, entrusted with the task of formulating guidelines and procedures for the effective implementation of customs, immigration and quarantine matters pertaining to national and international legal requirements.

However, due to domestic problems affecting both parties, the Committee is yet to meet to deal with its work. And in view of the changing international environment and new challenges which include transnational crimes in all its forms, there is a real need to review the Treaty to take into account these issues.

(iii) In March 2002, Solomon Islands established a Combined Law Agency Group — a similar agency to those established in Fiji and New Zealand. CLAG's mission is to facilitate the sharing of information and resources among the different agencies in combating crimes in Solomon Islands. Its objectives are to provide timely exchange and sharing of information, enhance communication and co-ordination efforts, develop strategies and develop common training and human resources development.

The Agency is focusing on certain crime related activities which impact on other agencies. It is composed of members from the Government, Non-Governmental Organisations (NGOs) and Law Enforcement Authorities. It holds regular meetings, where specific law and order problems and concerns and solutions to them are addressed.

(iv) Solomon Islands has not adopted any of the international instruments relating to international terrorism into its domestic laws. However, steps are now being taken to accede to two international Conventions, namely, the Convention for Suppression of Terrorist Bombings and the Convention for the Suppression of the Financing of Terrorism.

Conclusion

6. Terrorism is a serious threat to international peace and security. Solomon Islands remains committed to its obligation to co-operate with civilized nations to counter terrorism. It will take further actions to strengthen its domestic legislations as well as acceding to international conventions as its modest contribution towards countering international terrorism and to create a secure and peaceful world for everyone.

United Nations S/2002/963

Security Council

Distr.: General
27 August 2002
English
Original: Arabic

Identical letters dated 24 August 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 22 August 2002 from Mr. Naji Sabri, Minister for Foreign Affairs of the Republic of Iraq, concerning the fact that United States and British aircraft continued to fly hostile sorties against Iraq in the unlawful no-flight zones in the period from 16 July to 17 August 2002.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammed A. **Aldouri**
Permanent Representative

02-54648 (E) 300802 100902

Annex to the identical letters dated 24 August 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

I should like to inform you that the United States of America and the United Kingdom have in recent weeks continued their aerial aggression against the Republic of Iraq and that this aggression has targeted many civilian and military sites and installations. United States and British warplanes based in the Kingdom of Saudi Arabia, the State of Kuwait and the Republic of Turkey thus penetrated Iraq's airspace and carried out 1,119 armed sorties in the period from 16 July to 17 August 2002, 863 of them from Kuwait and Saudi Arabia and 256 from Turkey.

In the course of these acts of aggression, on 19 July 2002 United States and British aircraft bombed civilian and military sites in Qadisiyah governorate, killing five citizens, wounding 17 others and damaging homes and civilian and military installations.

On 23 July 2002, United States and British aircraft bombed civilian and military sites in Qadisiyah governorate, killing one citizen, wounding 22 others and damaging civilian and military installations.

On 28 July 2002, United States and British aircraft bombed civilian and military sites in Wasit governorate, damaging civilian and military installations.

On 15 August 2002, United States and British warplanes bombed civilian and military sites in Maysan governorate, wounding three citizens and damaging civilian and military installations.

On the same day, United States and British warplanes bombed civilian and military sites in Wasit governorate, damaging civilian and military installations, as set forth in the statement enclosed herein.

The enforcement by the United States and the United Kingdom of no-flight zones in northern and southern Iraq is a flagrant violation of the Charter of the United Nations, the established norms of international law and the Security Council resolutions urging States to respect Iraq's sovereignty, territorial integrity and political independence, and it constitutes armed aggression against Iraq that has been ongoing since 1991. The international community has condemned the maintenance of the no-flight zones as representing an illegal use of force against an independent State. At his press conference of 19 December 2001 the Secretary-General of the United Nations did the same, when he said (press release SG/SM/8081):

> "[I indicated that] ... I did not see anything in the Security Council resolution that authorizes the imposition or the enforcement of a no-flight zone. But several countries have decided to do it ... ".

The attacks being launched by United States and British aircraft on Iraqi towns and villages and on structures that are basic to life in the country, including health-care and educational establishments and houses of worship, constitute blatant and continuing State terrorism and gross interference in the internal affairs of Iraq. When the 30-nation aggression of 1991 failed to break the will of Iraqis or to impair their freedom and independence, the United States and the United Kingdom

proceeded to take the unilateral decision to impose the no-flight zones, first in northern Iraq on 7 April 1991 and then in southern Iraq on 27 August 1992, and they used armed force to attack Iraqi civilian and military installations with a view to undermining Iraq's stability and endangering the lives of its people.

Although the entire world has condemned this aggression and despite the letters we address to the Secretary-General and the President of the Security Council providing details of these acts of terrorist aggression, the United States continues to proclaim its contempt for the Charter of the United Nations and the resolutions of the Security Council, and the Security Council has taken no action with regard to this terrorist aggression. This raises serious questions about the credibility of the United Nations and the Security Council and about their capacity to apply the norms of the Charter to all without distinction and without the use of double standards or to halt the acts of aggression of two of the permanent members of the Council that constitute a serious breach of regional and international peace and security.

The Government of Iraq considers that the governments of the United States and the United Kingdom must bear full responsibility for this terrorist aggression. It affirms Iraq's established entitlement under the Charter of the United Nations and international law to exercise its legitimate right to defend itself against this ongoing hostile, terrorist activity and to claim just compensation for these acts of aggression.

In the context of the responsibilities assigned to you as they relate to the maintenance of international peace and security, we express the hope that you will call upon the governments of the countries in question to halt forthwith their continuing aggression against Iraq, make them bear the responsibility for it and urge the regional parties that are facilitating its continuation to desist from doing so.

(*Signed*) Naji **Sabri**
Minister for Foreign Affairs

Enclosure

Violations of the airspace of the Republic of Iraq by United States and British warplanes, 16 July-17 August 2002

I. Northern region

In the northern region 256 armed sorties were flown at speeds of 720 to 780 kilometres per hour and at altitudes of 6,000 to 12,000 metres, as follows:

1. At 1200 hours on 17 July 2002, United States and British F-14, F-15 and F-16 aircraft coming from bases in Turkey and from Turkish airspace penetrated Iraq's airspace in the northern region. They carried out 12 armed sorties, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Amadiyah, Aqrah, Dohuk, Irbil, Zakho and Baibo areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1300 hours, drove them off.

2. At 1220 hours on 22 July 2002, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from bases in Turkey and from Turkish airspace penetrated Iraq's airspace in the northern region. They carried out 14 armed sorties, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Zakho, Amadiyah, Tall Afar, Baibo, Dohuk, Ayn Zalah, Aqrah, Mosul, Irbil, Dokan and Rawanduz areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1520 hours, drove them off.

3. At 1205 hours on 23 July 2002, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from bases in Turkey and from Turkish airspace penetrated Iraq's airspace in the northern region. They carried out 16 armed sorties, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Zakho, Amadiyah, Aqrah, Baibo, Ba'shiqah, Ayn Zalah, Dohuk, Rawanduz and Irbil areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1730 hours, drove them off.

4. At 1225 hours on 24 July 2002, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from bases in Turkey and from Turkish airspace penetrated Iraq's airspace in the northern region. They carried out 16 armed sorties, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Amadiyah, Dohuk, Zakho, Rawanduz and Aqrah areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1425 hours, drove them off.

5. At 1405 hours on 25 July 2002, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from bases in Turkey and from Turkish airspace penetrated Iraq's airspace in the northern region. They carried out 20 armed sorties, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Zakho, Aqrah, Amadiyah, Baibo, Dohuk, Mosul, Irbil, Rawanduz and Ayn Zalah areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1700 hours, drove them off.

6. At 1130 hours on 29 July 2002, United States and British F-14, F-15 and F-16 aircraft coming from bases in Turkey and from Turkish airspace penetrated Iraq's airspace in the northern region. They carried out 18 armed sorties, were supported

by an AWACS aircraft operating inside Turkish airspace and overflew the Zakho, Amadiyah, Dohuk, Aqrah, Tall Afar, Dukan, Mosul, Irbil and Rawanduz areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1430 hours, drove them off.

7. At 1250 hours on 31 July 2002, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from bases in Turkey and from Turkish airspace penetrated Iraq's airspace in the northern region. They carried out 14 armed sorties, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Zakho, Dohuk, Tall Afar, Irbil, Rawanduz, Baibo, Amadiyah, Dukan, Sinjar, Mosul and Ayn Zalah areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1440 hours, drove them off.

8. At 1145 hours on 1 August 2002, United States and British F-14, F-15, F-16, Jaguar, Tornado and EA-6B aircraft coming from bases in Turkey and from Turkish airspace penetrated Iraq's airspace in the northern region. They carried out 12 armed sorties, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Zakho, Dohuk, Aqrah, Irbil, Ayn Zalah, Amadiyah and Mosul areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1330 hours, drove them off.

9. At 1215 hours on 2 August 2002, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from bases in Turkey and from Turkish airspace penetrated Iraq's airspace in the northern region. They carried out 16 armed sorties, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Zakho, Amadiyah, Dohuk, Irbil, Dukan, Rawanduz, Aqrah and Ayn Saqy areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1420 hours, drove them off.

10. At 1135 hours on 5 August 2002, United States and British F-14, F-15, F-16, Jaguar, Tornado and EA-6B aircraft coming from bases in Turkey and from Turkish airspace penetrated Iraq's airspace in the northern region. They carried out 16 armed sorties, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Zakho, Dohuk, Aqrah, Baibo, Irbil, Amadiyah and Rawanduz areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1405 hours, drove them off.

11. At 1205 hours on 6 August 2002, United States and British F-14, F-15, F-16, Jaguar, Tornado and EA-6B aircraft coming from bases in Turkey and from Turkish airspace penetrated Iraq's airspace in the northern region. They carried out 16 armed sorties, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Baibo, Zakho, Dohuk, Aqrah, Amadiyah, Rawanduz, Irbil and Dukan areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1355 hours, drove them off.

12. At 1125 hours on 7 August 2002, United States and British F-14, F-15, F-16, Jaguar, Tornado and EA-6B aircraft coming from bases in Turkey and from Turkish airspace penetrated Iraq's airspace in the northern region. They carried out 16 armed sorties, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Zakho, Dohuk, Aqrah, Dukan, Amadiyah, Irbil, Rawanduz and Ayn Zalah areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1335 hours, drove them off.

13. At 1130 hours on 8 August 2002, United States and British F-14, F-15, F-16, Jaguar, Tornado and EA-6B aircraft coming from bases in Turkey and from Turkish airspace penetrated Iraq's airspace in the northern region. They carried out 20 armed sorties, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Zakho, Dohuk, Mosul, Aqrah, Amadiyah, Ayn Zalah, Irbil and Dukan areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1320 hours, drove them off.

14. At 1105 hours on 12 August 2002, United States and British F-14, F-15, F-16, Jaguar, Tornado and EA-6B aircraft coming from bases in Turkey and from Turkish airspace penetrated Iraq's airspace in the northern region. They carried out 18 armed sorties, were supported by an AWACS aircraft operating inside Turkish airspace and overflew Zakho, Dohuk, Mosul, Aqrah, Amadiyah, Irbil, Tall Afar and Rawanduz. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1400 hours, drove them off.

15. At 1100 hours on 13 August 2002, United States and British F-14, F-15, F-16, Jaguar, Tornado and EA-6B aircraft coming from bases in Turkey and from Turkish airspace penetrated Iraq's airspace in the northern region. They carried out 16 armed sorties, were supported by an AWACS aircraft operating inside Turkish airspace and overflew Zakho, Dohuk, Mosul, Aqrah, Amadiyah, Irbil, Tall Afar and Ayn Zalah. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1400 hours, drove them off.

16. At 1130 hours on 14 August 2002, United States and British F-14, F-15, F-16, Jaguar, Tornado and EA-6B aircraft coming from bases in Turkey and from Turkish airspace penetrated Iraq's airspace in the northern region. They carried out 16 armed sorties, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Zakho, Baibo, Dohuk, Aqrah, Rawanduz, Amadiyah, Irbil, Tall Afar, Mosul and Ayn Zalah. areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1435 hours, drove them off.

II. Southern region

In the southern region 863 armed sorties were flown at speeds of 720 to 780 kilometres per hour and at altitudes of 9,000 to 13,000 metres, as follows:

1. At 1145 hours on 16 July 2002, United States and British F-14, F-15, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 24 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS aircraft operating inside Saudi airspace. They overflew the Jalibah, Salman, Lasaf, Artawi, Nukhayb, Nasiriyah and Lasaf areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1315 hours, drove them off.

2. At 2155 hours on 17 July 2002, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Saudi and Kuwaiti airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 32 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an

AWACS aircraft operating inside Saudi airspace. They overflew the Safwan, Artawi, Jalibah, Busayyah, Salman, Lasaf and Ashbajah areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 0030 hours, drove them off.

3. At 2315 hours on 18 July 2002, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Saudi and Kuwaiti airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 34 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS aircraft operating inside Saudi airspace. They overflew the Nasiriyah, Samawah, Diwaniyah, Afak, Najaf, Karbala, Taqtaqanah, Aziz, Chabaish, Jalibah, Artawi and Salman areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 0145 hours, drove them off.

4. At 2235 hours on 19 July 2002, United States and British F-14, F-15, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 40 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS aircraft operating inside Saudi airspace. They overflew the Rumaythah, Shinafiyah, Jalibah, Lasaf, Samawah, Artawi, Nasiriyah, Amarah, Diwaniyah and Salman areas. These aircraft bombed civilian and military sites in Qadisiyah governorate, killing five citizens, wounding 17 others and damaging homes and civilian and military installations. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 0230 hours, drove them off.

5. At 2050 hours on 21 July 2002, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 22 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS aircraft operating inside Saudi airspace. They overflew the Busayyah, Salman, Artawi and Jalibah areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 2230 hours, drove them off.

6. At 2125 hours on 22 July 2002, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 18 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS aircraft operating inside Saudi airspace. They overflew the Shinafiyah, Samawah, Artawi, Busayyah, Salman, Nasiriyah, Shatrah and Rifa'i areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 2300 hours, drove them off.

7. At 0530 hours on 23 July 2002, United States and British aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 18 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS aircraft operating inside

Saudi airspace. They overflew the Nasiriyah, Karbala, Kut, Najaf, Nu`maniyah, Diwaniyah, Lasaf and Artawi areas. These aircraft bombed civilian and military sites in Qadisiyah governorate, killing one citizen, wounding 22 others and damaging civilian and military installations. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 0530 hours, drove them off.

8. At 0755 hours on 25 July 2002, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 46 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS aircraft operating inside Saudi airspace. They overflew the Lasaf, Ashbajah, Chabaish, Amarah, Afak, Qal`at Sukkar, Rifa`i, Shatrah, Rumaythah, Diwaniyah, Najaf, Taqtaqanah, Busayyah, Salman, Jalibah and Artawi areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1100 hours, drove them off.

9. At 0920 hours on 26 July 2002, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 24 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS aircraft operating inside Saudi airspace. They overflew the Busayyah, Shatrah, Rifa`i, Amarah, Qal`at Salih, Qal`at Sukkar, Rumaythah, Samawah, Shinafiyah, Ashbajah, Lasaf, Jalibah and Artawi areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1100 hours, drove them off.

10. At 0755 hours on 27 July 2002, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 34 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS aircraft operating inside Saudi airspace. They overflew the Basra, Samawah, Qal`at Sukkar, Busayyah, Salman, Artawi, Qurnah, Taqtaqanah, Nasiriyah and Qal`at Salih areas. These aircraft bombed civilian and military sites in Maysan governorate, damaging civilian and military installations. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1215 hours, drove them off.

11. At 1045 hours on 28 July 2002, United States and British F-15, F-16, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 20 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS aircraft operating inside Saudi airspace. They overflew the Jalibah, Artawi, Busayyah, Qal`at Sukkar, Samawah, Nu`maniyah, Hashimiyah, Kut, Shatrah and Lasaf areas. These aircraft bombed civilian and military sites in Wasit governorate, damaging civilian and military installations. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1305 hours, drove them off.

12. At 1145 hours on 29 July 2002, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 18 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS aircraft operating inside Saudi airspace. They overflew the Busayyah, Jalibah, Artawi, Samawah, Shatrah, Shinafiyah, Lasaf, Nasiriyah and Ashbajah areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1325 hours, drove them off.

13. At 0725 hours on 31 July 2002, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 32 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS aircraft operating inside Saudi airspace. They overflew the Qurnah, Basra, Qal'at Salih, Nukhayb, Shatrah, Afak, Kut, Artawi and Busayyah areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1205 hours, drove them off.

14. At 0820 hours on 2 August 2002, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 26 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS aircraft operating inside Kuwaiti airspace. They overflew the Busayyah, Artawi, Shatrah, Jalibah, Rifa'i, Samawah, Qal'at Sukkar, Shinafiyah, Nasiriyah, Rumaythah, Qal'at Salih, Ashbajah, Salman, Lasaf, Amarah, Karbala, Nukhayb and Salman areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1045 hours, drove them off.

15. At 0620 hours on 3 August 2002, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 24 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS aircraft operating inside Saudi airspace. They overflew the Busayyah, Ashbajah, Artawi, Nasiriyah, Lasaf, Shatrah, Mishkhab, Qal'at Sukkar, Hayy, Rifa'i, Najaf and Jalibah areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 0920 hours, drove them off.

16. At 0730 hours on 4 August 2002, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 34 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS aircraft operating inside Saudi airspace. They overflew the Basra, Nasiriyah, Amarah, Qal'at Salih, Salman, Ashbajah, Artawi and Chabaish areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 0910 hours, drove them off.

17. At 0635 hours on 5 August 2002, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and

from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 30 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS aircraft operating inside Saudi airspace. They overflew the Basrah, Samawah, Artawi, Nasiriyah, Qal'at Sukkar, Amarah, Najaf, Salman, Busayyah, Lasaf, Ashbajah, Nukhayb and Diwaniyah areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 0900 hours, drove them off.

18. At 0805 hours on 6 August 2002, United States and British F-14, F-15, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 52 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS aircraft operating inside Saudi airspace. They overflew the Ashbajah, Lasaf, Busayyah, Shatrah, Rifa'i, Afak, Samawah, Amarah, Qurnah, Basra, Nu'maniyah, Najaf, Nasiriyah, Nukhayb, Qal'at Sukkar, Artawi, Jalibah and Taqtaqanah areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1315 hours, drove them off.

19. At 0940 hours on 7 August 2002, United States and British F-14, F-15 and F-18 aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 32 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS aircraft operating inside Saudi airspace. They overflew the Ashbajah, Busayyah, Jalibah, Lasaf, Chabaish, Taqtaqanah, Rifa'i, Afak, Qal'at Sukkar, Samawah, Mishkhab, Diwaniyah, Nukhayb, Najaf, Artawi, Nasiriyah, Salman, Shatrah and Rumaythah areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1230 hours, drove them off.

20. At 1010 hours on 8 August 2002, United States and British F-14, F-15 and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 40 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS aircraft operating inside Saudi airspace. They overflew the Basrah, Qurnah, Amarah, Diwaniyah, Artawi, Nasiriyah, Chabaish, Qurnah, Qal'at Salih and Samawah areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1225 hours, drove them off.

21. At 1255 hours on 9 August 2002, United States and British F-14, F-15 and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 22 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS aircraft operating inside Saudi airspace. They overflew the Nasiriyah, Samawah, Najaf, Diwaniyah, Qal'at Sukkar, Ali al-Gharbi, Shinafiyah, Busayyah, Hayy, Qurnah, Jalibah, Salman and Artawi areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1550 hours, drove them off.

22. At 2125 hours on 11 August 2002, United States and British F-14, F-15, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 30 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS aircraft operating inside Saudi airspace. They overflew the Basra, Nasiriyah, Samawah, Artawi, Lasaf, Jalibah and Nukhayb areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 2345 hours, drove them off.

23. At 2235 hours on 12 August 2002, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 28 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS aircraft operating inside Saudi airspace. They overflew the Busayyah, Jalibah, Artawi, Shatrah, Rifa'i, Qal'at Sukkar and Shinafiyah areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 0010 hours, drove them off.

24. At 2345 hours on 13 August 2002, United States and British F-14, F-15 and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 18 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS aircraft operating inside Saudi airspace. They overflew the Artawi, Busayyah, Ashbajah, Lasaf and Salman areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 0115 hours, drove them off.

25. At 2335 hours on 14 August 2002, United States and British F-14, F-15, F-16 and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 46 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS aircraft operating inside Saudi airspace. They overflew the Basra, Qurnah, Amarah, Artawi, Busayyah, Jalibah, Hashimiyah, Afak, Chabaish, Nasiriyah, Hayy, Rifa'i, Qal'at Sukkar, Nu'maniyah, Diwaniyah, Rumaythah, Samawah, Shinafiyah, Ashbajah and Lasaf areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 0225 hours, drove them off.

26. At 2325 hours on 15 August 2002, United States and British F-14, F-15 and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 46 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS aircraft operating inside Saudi airspace. They overflew the Artawi, Afak, Diwaniyah and Nu'maniyah areas. These aircraft bombed civilian and military sites in Maysan governorate, wounding three citizens and damaging civilian and military installations. On the same day, United States and British aircraft bombed civilian and military sites in Wasit governorate, damaging civilian and military installations. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 0120 hours, drove them off.

27. At 1145 hours on 16 August 2002, United States and British F-14, F-15, and F-16 aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 27 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS aircraft operating inside Saudi Arabia. They overflew the Nasiriyah, Samawah, Amarah, Najaf, Taqtaqanah, Artawi, Rifa'i and Jalibah areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1420 hours, drove them off.

28. At 1100 on 17 August 2002, United States and British F-14, F-15, F-16 and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 46 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS aircraft operating inside Saudi airspace. They overflew the Nasiriyah, Basra, Amarah, Salman, Busayyah, Lasaf, Qurnah, Qal'at Sukkar, Rumaythah, Amarah, Artawi and Jalibah areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1445 hours, drove them off.

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Note by the President of the Security Council

With a view to establishing a coherent, inclusive and consistent practice regarding participation in private meetings of the Security Council and consultation meetings with troop-contributing countries under the terms of resolution 1353 (2001), annexes II.A and II.B respectively, members of the Security Council have decided that actors listed in annex II.B, paragraph 3 (c-h), wishing to participate in a specific meeting should make a request to the President of the Security Council.

Resolution 1353 (2001), annex II.B, paragraph 3, reads as follows:

"3. The following parties will be invited to these meetings:

(a) Countries contributing troops, military observers or civilian police to the peacekeeping operation;

(b) Prospective troop-contributing countries as identified by the Secretary-General;

(c) Relevant United Nations bodies and agencies, when they have specific contributions to make to the issue under discussion;

(d) Other bodies and agencies, as observers, as appropriate;

(e) Countries that make special contributions, such as other civilian personnel, contributions to trust funds, logistics, equipment and facilities and other contributions, as appropriate;

(f) The host country/countries, as observers, as appropriate;

(g) The representative of a regional or subregional organization or arrangement, contributing troops, as appropriate;

(h) Regional organizations, as observers when not contributing troops, as appropriate".

On the basis of consultation with members of the Security Council, the President will extend an invitation, as appropriate, and instruct the Secretariat accordingly.

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